

**SHELBY COUNTY BOARD OF COMMISSIONERS  
AGENDA ROUTE SHEET**

Referred to Commission Committee (name) \_\_\_\_\_

For Commission Action on (date) \_\_\_\_\_

DESCRIPTION OF ITEM: **RESOLUTION AMENDING A RESOLUTION ADOPTED AS ITEM NO. 28 ON AUGUST 31, 2009, ESTABLISHING THE METROPOLITAN GOVERNMENT CHARTER COMMISSION, SO AS TO REQUIRE SAID CHARTER COMMISSION TO APPEAR BEFORE THE COUNTY COMMISSION PRIOR TO FINALIZING THE PROPOSED CHARTER. SPONSORED BY CHAIRMAN DEIDRE MALONE.**

**CHECK ALL THAT APPLY BELOW:**

  X   This Action does NOT require expenditure of funds.

       This Item requires/approves expenditure of funds as follows (complete all that apply):

County General Funds: \$ \_\_\_\_\_; County CIP Funds- \$ \_\_\_\_\_

State Grant Funds: \$ \_\_\_\_\_; State Gas Tax Funds: \$ \_\_\_\_\_

Federal Grant Funds: \$ \_\_\_\_\_

Other funds (Specify source and amount): \$ \_\_\_\_\_

Other pass-thru funds (Specify source and amount): \$ \_\_\_\_\_

**Originating Department:** Mayor's Office  
**APPROVAL:**

Dept. Head: Kelly Rayne \ KR \ 10-1-09  
(Type your name & phone #.) (Initials) (Date)

Elected Official: \_\_\_\_\_ \ \_\_\_\_\_ \ \_\_\_\_\_  
(Type your name & phone #.) (Initials) (Date)

Division Director: Grace Hutchinson \ GH \ 10-1-2009  
(Type your name & phone #.) (Initials) (Date)

CIP – A&F Director: \_\_\_\_\_ \ \_\_\_\_\_ \ \_\_\_\_\_  
(Type your name & phone #.) (Initials) (Date)

Finance Dept. Wanda Richards \ WR \ 10/1/2009  
(Type your name & phone #.) (Initials) (Date)

County Attorney: Christy Kinard 545-4233 \ CK \ 10-01-09  
(Type your name & phone #.) (Initials) (Date)  
**James F. Huntzicker 545-4514**

CAO/Mayor: \_\_\_\_\_ \ JH \ 10-1-2009  
(Type your name & phone #.) (Initials) (Date)

## SUMMARY

1. This resolution amends the resolution adopted by the Shelby County Board of Commissioners on August 31, 2009 which established the Memphis and Shelby County Metropolitan Government Charter Commission so as to include a provision similar to that adopted by the Memphis City Council to require the Charter Commission to appear before the County Commission prior to finalizing the proposed charter for purposes of educating the public and answering questions.
2. Funding—N/A
3. Contract – N/A
4. Additional Information – N/A

ITEM # \_\_\_\_\_

PREPARED BY: Christy L. Kinard

APPROVED BY: Christy L. Kinard  
Assistant County Attorney

**RESOLUTION AMENDING A RESOLUTION ADOPTED AS ITEM NO. 28  
ON AUGUST 31, 2009, ESTABLISHING THE METROPOLITAN  
GOVERNMENT CHARTER COMMISSION, SO AS TO REQUIRE SAID  
CHARTER COMMISSION TO APPEAR BEFORE THE COUNTY  
COMMISSION PRIOR TO FINALIZING THE PROPOSED CHARTER.  
SPONSORED BY CHAIRMAN DEIDRE MALONE.**

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**WHEREAS,** The Shelby County Board of Commissioners adopted a resolution as Item No. 28 on August 31, 2009 establishing the Memphis and Shelby County Metropolitan Government Charter Commission ("Charter Commission") and authorizing the County Mayor to appoint ten of its fifteen members; and

**WHEREAS,** The Memphis City Council adopted a substantially similar resolution as Item No. 51 on September 15, 2009 authorizing the City Mayor to appoint five of the fifteen Charter Commission members; and

**WHEREAS,** Item No. 28 adopted by the County Commission on August 31, 2009 should be amended at this time so as to include a provision that requires the Charter Commission to appear before the County Commission prior to finalizing the proposed charter for purposes of educating the public and answering questions, a provision that is substantially similar to the one included in the Memphis City Council's resolution adopted as Item No. 51 on September 15, 2009.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE,** That the resolution adopted as item No. 28 on August 31, 2009, establishing the Metropolitan Government Charter Commission is hereby amended by adding the following new clause:

**BE IT FURTHER RESOLVED,** That the Metropolitan Government Charter Commission shall appear before the County Commission prior to finalizing the proposed charter for purposes of educating the public and answering questions.

**BE IT FURTHER RESOLVED,** That this resolution shall take effect in accordance with the Shelby County Charter, Art. II, § 2.06B.

\_\_\_\_\_  
A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_



ITEM # \_\_\_\_\_

PREPARED BY: Christy L. Kinard

APPROVED BY: Christy L. Kinard  
Assistant County Attorney

**RESOLUTION APPROVING THE COUNTY MAYOR'S APPOINTMENT OF LOU ETTA BURKINS, JULIE ELLIS, ANDRE FOWLKES, J. W. GIBSON, RICHARD L. HODGES, LINDA KERLEY, BILLY ORGEL, CHRIS PATTERSON, RANDOLPH MEADE WALKER, AND RUFUS WASHINGTON TO THE MEMPHIS AND SHELBY COUNTY METROPOLITAN GOVERNMENT CHARTER COMMISSION AND ESTABLISHING THE EFFECTIVE DATE OF THE APPOINTMENTS, THE DATE FOR AN ORGANIZATIONAL MEETING, THE NINE MONTH PERIOD FOR PROPOSING A CHARTER, AND THE DEADLINE FOR FILING A PROPOSED CHARTER. SPONSORED BY COMMISSIONER DEIDRE MALONE.**

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**WHEREAS**, The Shelby County Board of Commissioners adopted a resolution as Item No. 28 on August 31, 2009 establishing the Memphis and Shelby County Metropolitan Government Charter Commission ("Charter Commission") and authorizing the County Mayor to appoint ten of its fifteen members; and

**WHEREAS**, The Memphis City Council adopted a similar resolution as Item No. 51 on September 15, 2009 authorizing the City Mayor to appoint five of the fifteen Charter Commission members; and

**WHEREAS**, By adoption of a resolution as Item No. \_\_\_\_ on October 12, 2009, the Shelby County Board of Commissioners amended its initial resolution to include a provision that requires the Charter Commission to appear before the County Commission prior to any final vote by the Charter Commission on the proposed charter for purposes of educating the public and answering questions, a provision that is substantially similar to the one included in the Memphis City Council's initial resolution; and

**WHEREAS**, Tennessee Code Annotated § 7-2-101(1)(H) requires the appointment of the Charter Commission members be made within thirty (30) days after the adoption of the resolution by the County Commission or City Council establishing the Charter Commission, whichever occurs last; and

**WHEREAS**, In accordance with Tennessee Code Annotated § 7-2-103(d), members of the Charter Commission will not receive per diem or other compensation for their services, except reimbursement of actual expenses incurred by members in carrying out their duties as members of the Charter Commission; and

**WHEREAS,** The County Mayor desires to appoint Lou Etta Burkins, Julie Ellis, Andre Fowlkes, J. W. Gibson, Richard L. Hodges, Linda Kerley, Billy Orgel, Chris Patterson, Randolph Meade Walker, and Rufus Washington to the Charter Commission at this time; and

**WHEREAS,** As stated in the initial resolution, it is the desire of the County Commission that the proposed charter be filed not less than 80 days nor more than 100 days before the November 2, 2010 statewide election and, therefore, the County Mayor's appointees to the Charter Commission should be effective November 5, 2009 to ensure that the proposed charter is filed during the desired time period, resulting in the Charter Commission's organizational meeting being held on November 10, 2009 at 10:00 a.m. at the Shelby County Courthouse located at 140 Adams Avenue in Memphis, Tennessee, and its work being conducted within nine months, between November 11, 2009 and August 12, 2010, as required by Tennessee Code Annotated § 7-2-105; and

**WHEREAS,** As also stated in the initial resolution, the Charter Commission should be directed to file the proposed charter on August 10, 2010; and

**WHEREAS,** As approved in the initial resolution, the County Commission appropriated \$50,000 to defray the expenses of the Charter Commission, which includes the cost of informing the public throughout the County of the contents of the proposed charter in accordance with Tennessee Code Annotated § 7-2-105; and

**WHEREAS,** Upon request, all public officials are required by Tennessee Code Annotated § 7-2-104(b) to furnish the Charter Commission with all information and assistance necessary or appropriate for its work.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF SHELBY COUNTY, TENNESSEE,** That the County Mayor's appointment of Lou Etta Burkins, Julie Ellis, Andre Fowlkes, J. W. Gibson, Richard L. Hodges, Linda Kerley, Billy Orgel, Chris Patterson, Randolph Meade Walker, and Rufus Washington to the Memphis and Shelby County Charter Commission be and is hereby approved and said appointment shall become effective November 5, 2009.

**BE IT FURTHER RESOLVED,** That the Memphis and Shelby County Metropolitan Government Charter Commission shall hold its organizational meeting on November 10, 2009 at 10:00 a.m. at the Shelby County Courthouse located at 140 Adams Avenue in Memphis, Tennessee; and perform its work in the manner established by general state law between November 11, 2009 and August 12, 2010, giving public notice in accordance with the requirements of the Tennessee Open Meetings Act and the procedures of any resolutions and/or ordinances of Shelby County and/or the City of Memphis.

**BE IT FURTHER RESOLVED,** That the Memphis and Shelby County Metropolitan Government Charter Commission shall file copies of the proposed charter with the Shelby County Election Commission, the Shelby County Clerk, the Clerk of the County Commission, the Clerk of the Memphis City Council, and the City Clerk of the Town of Arlington, City of

Bartlett, Town of Collierville, City of Germantown, Town of Lakeland, City of Memphis, and City of Millington on August 10, 2010.

**BE IT FURTHER RESOLVED**, That this resolution shall take effect in accordance with the Shelby County Charter, Art. II, § 2.06(B).

\_\_\_\_\_  
A C Wharton, Jr., County Mayor

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk of County Commission

ADOPTED: \_\_\_\_\_